

2018

# Report on Actions and Recommendations on Human Trafficking in Delaware

HUMAN TRAFFICKING INTERAGENCY COORDINATING COUNCIL  
STATE OF DELAWARE

SEPTEMBER 2018 |

## **Human Trafficking Interagency Coordinating Council**

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**For information about Delaware's response to human trafficking activity please refer to this  
web page: <https://www.dhss.delaware.gov/dhss/admin/humantrafinteragcouncil.html>**

## Table of Contents

<b>Acknowledgements.....</b>	<b>4</b>
<b>I. Executive Summary .....</b>	<b>5</b>
A. Background .....	5
B. Toward a Human Trafficking Strategic Plan for Delaware .....	11
<b>II. Committee Structure and Goals .....</b>	<b>13</b>
A. Training Committee .....	13
B. Public Awareness/Prevention Committee .....	15
C. Victim Services Committee .....	17
D. Juvenile Committee .....	18
E. Data Collection and Analysis Committee .....	19
F. By-Laws Committee .....	20
G. Annual Report Committee .....	20
<b>III. Current Status .....</b>	<b>21</b>
A. Superior Court.....	21
B. Court of Common Pleas (CCP).....	22
C. Department of Justice (DOJ) .....	22
D. Office of Defense Services (ODS) .....	23
E. Law Enforcement (LE) .....	24
F. Healthcare.....	24
G. Department of Health and Social Services (DHSS).....	25
H. Department of Labor (DOL) .....	26
I. Department of Services for Children, Youth, and Their Families (DSCYF) .....	28
J. Victim Services .....	29
<b>IV. The Sequential Intercept Model: A Conceptual Framework.....</b>	<b>30</b>
<b>V. Recommendations .....</b>	<b>33</b>
A. General Assembly Statutory Language .....	33
B. Appropriation of Funds .....	33

5. Expand the continuum of victim services to include case management services, provide in-state adult and youth residential facilities, and offer HT-specific post-residential services. ....	33
C. Courts and Cabinet Agencies .....	33
D. Law Enforcement .....	34
<b>Appendices .....</b>	<b>35</b>
Appendix A. By-Laws (2018) .....	35
Appendix B. Enabling Legislation Amended H.B. 164, H.B. 291, and S.B. 75.....	38
Appendix C. National Standings and Report Cards - Polaris & Shared Hope.....	46
Appendix D. Recent Media Coverage of Human Trafficking.....	49
Appendix E. Polaris Red Flags – Recognize the Signs.....	51
Appendix F. Adverse Childhood Experiences (ACE) Study .....	53

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All the courageous victims who have come forward to educate the public, and those who have participated in bringing traffickers to justice;

Victim advocates and service providers who provide crisis support and ongoing services to victims;

Advocates and public media who create public awareness and promote action by public authorities;

Members of the law enforcement community who have demonstrated compassion and understanding in working with victims;

Members of the previous Human Trafficking Coordinating Council for serving as an important public policy starting point;

Members of the current Council who have mobilized quickly to fulfill the requirements of the enabling legislation;

Members of the General Assembly who sponsored past and current legislation; and

Former Governor Jack Markell for his steadfast support of human trafficking legislation and Governor John Carney for continuing to champion this work.



Delaware  
Courts



DELAWARE HEALTH AND SOCIAL SERVICES

## I. Executive Summary

The purpose of this report is to describe generally the current state of agency and system readiness to identify and serve victims of human trafficking, to prevent human trafficking in Delaware, and to describe practical steps for improving readiness overall.

### A. Background

Human trafficking in Delaware is not new in 2018. It has become a focus of attention recently for several reasons, including public media coverage (Appendix D,) high-profile arrests and the national publicity about the Delaware LLC Backpage.com. Delaware's planning and awareness efforts to date have focused on sex trafficking, especially of minors. However, labor trafficking is included in the federal and state definitions and deserves focused attention.

- In 2014 Delaware passed the first law creating a council to develop a plan for addressing human trafficking, including both sex trafficking and labor trafficking (HB 197.) The Council report was filed in September 2016.<sup>1</sup>
- In 2017 the General Assembly passed legislation aligning Delaware's law with the federal definition of human trafficking, the Trafficking Victims Protection Act, or TVPA (SB 75 Amended, Appendix B.)
- In 2017 the first Council closed due largely to lack of administrative support. This prompted a broad coalition of interested parties to convene to pursue the work, forming the Delaware Coalition Against Trafficking (DeLCAT.)
- In 2018 a new interagency council was authorized (HB 164 Amended, Appendix B) for which this document is the initial report.

#### **Understanding the Nature and Scope of Human Trafficking in Delaware**

It is important to understand the legal definition of human trafficking, and to differentiate it from other forms of abuse and sexual exploitation. The federal Trafficking Victims Protection Act (TVPA) defines human trafficking as below. The Delaware statute dropped 'patronizing' and added "...receives, isolates, maintains, advertises, and entices" a person..."

**Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).**

**Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or**

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<sup>1</sup>See <https://dhss.delaware.gov/dhss/admin/files/humantraffickingreport.pdf>

**coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).**

Commercial sexual activity with those under the age of 18 thus are by definition considered human trafficking offenses; with those aged 18 and over the acts must be compelled via ‘force, fraud or coercion’ to be considered trafficking. These definitions make it clear that truly voluntary labor or sexual activity by adults does not constitute human trafficking, regardless of one’s values and attitudes about such activity. However, while such activity may appear voluntary to the observer—i.e. adults seeming to engage of their own free will—a closer look will often reveal the presence of force, fraud or coercion that lies at the root of continued sex or labor servitude. One must also consider the impact of complex trauma as a result of childhood abuse and sexual exploitation in considering whether an adult’s commercial sexual activity is truly voluntary, i.e. whether their decision-making ability is unhampered by historical abuse or other forms of adversity.

In order to obtain adequate resources to serve victims and pursue traffickers Delaware needs solid data on the incidence and prevalence of trafficking. Unfortunately, however, we currently have very few useful data sources. Further, very few of the data points are considered ‘verified’ cases of victims and/or traffickers, first because few victims self-disclose at the time of discovery, and second because so few traffickers can be prosecuted in the absence of victim testimony. Victims of both sex and labor trafficking rarely disclose their abuse for various reasons: misplaced shame, psychological trauma, lack of familiarity with the term ‘trafficking,’ fear of losing the basic security provided in the trafficking situation and/or fear of law enforcement. This poses a significant challenge in the courtroom, both regarding victim and perpetrator defendants:

**“During my time there [Family Court] I didn’t initially get any cooperative trafficking victims. They wouldn’t even talk to me at all. Until the victims are ready to talk, the progress is slow. It’s about slowly picking up the pieces and building trust.”**

*Commissioner Loretta Young, Family Court*

By far the largest number of anecdotal reports come from personnel who interact with victims, and sometimes with suspected traffickers, and who are aware of the red flags indicative of trafficking (Appendix E.) The sources are emergency room and family planning staff, court personnel, domestic violence and sexual assault service providers, homeless services personnel, mental health and addiction counselors, transportation hub staff and observers, and law enforcement victim advocates. A few of these observations are reported to the National Human Trafficking Hotline, though those numbers certainly represent only the tip of the iceberg, if anecdotal reports and experience of surrounding states are any indication.

Some of these anecdotal reports come from past or current programs that are focused on assisting victims of intimate partner violence, women and children caught up in the criminal justice system for addiction-related or survival-related offenses (shoplifting, loitering, public intoxication, unruliness, etc.) or simply in the course of administering justice in the courtroom. Several examples follow:

Women in Support of Health (WISH) was a program funded by the federal Office of Women's Health to serve women sex workers in Wilmington who were at risk of contracting or spreading STIs and other health conditions and who faced onerous obstacles to accessing services. The quasi-experimental evaluation method compared this group to a matched sample of methadone users and found that providing services and supports yielded a nearly 75% cost savings. Despite this strong record of success, the grant expired, and funding was not replaced.

Victim Awareness and Safety Enhancement (VASE) was a program funded by the federal Office of Violence Against Women. It provided services to victims of sexual assault and domestic violence and offered training for judiciary on these issues. Most of the women served during the grant period were fighting against huge odds, often beginning in childhood. The program operated before widespread awareness and screening for trafficking, so they collected no data specifically coded as trafficking. However, staff shared that 85 of the 157 women referred participated in the VASE program; 27 of these women exhibited red flags associated with trafficking and 11 of those 'disclosed a history of forced sex labor.' The grant expired, and funding was not replaced.

**"We encountered women who were just trying to survive day to day. For the most part they had no stable housing, no money, no education (9th-10th grade average), no job skills, no food and very little clothing. They were raised in highly dysfunctional, impoverished, uneducated, abusive and neglectful homes. Their childhood included family members suffering with mental illness, criminal history and/or substance abuse. In addition, most were victims of sexual abuse. These clients would have an ACE [Adverse Childhood Experiences]<sup>2</sup> score of 8-10."** *Stephanie Criss, VASE Victim Advocate*

Trauma-Informed Probation (TIP), later called Human Trafficking Court was a post-adjudication treatment court for victims/survivors of human trafficking and prostituted persons. It was started in the Court of Common Pleas in 2012 and operated until it was closed in 2017. This treatment court collaborated with the WISH and later, VASE programs to coordinate needed mental health and substance abuse treatment and tried to line up other resources for the women including emergency housing and job placement. At graduation from the treatment court, the women received forgiveness of court costs/ fines in the Court of Common Pleas. Commissioner McDonough notes that the women faced daunting challenges of poverty, homelessness, lack of a family support

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<sup>2</sup> See Appendix F.



structure, and gaps in education as well as histories of physical and sexual abuse, often starting in childhood. She also notes that the gaps in available resources, especially a residential treatment program in Delaware, posed a tremendous challenge:

**“...informal review found that a large percentage of the women in our misdemeanor court (as defendants) had also been involved in the juvenile justice system, and of that group, a significant percentage had been in foster care, and a subset of them had been runaways from foster care. The population of adolescents involved in the juvenile justice system, including kids in foster care, who end up in sex-trafficked situations warrants further and more systematic study in Delaware. National studies have shown that the age of entry into sex trafficking is typically in the teen years, so it makes sense that any future human trafficking treatment court should include vigorous collaboration with the Family Court. The earlier we intervene, the better our chances to succeed, but much more importantly, the greater the chance that these teenagers can be spared more trauma and abuse.”** *Commissioner Mary McDonough, Court of Common Pleas*

Like VASE and WISH, Family Court personnel report observing abuse, neglect and exploitation in the histories of their subjects. Trafficking has not been an explicit focus of Family Court, but red flags of trafficking are sometimes recognized in these children. However, there is currently no standardized process being implemented for flagging this concern to the Court. However, the previous Council’s Juvenile Committee developed a screening tool for use by Department of Services for Children, Youth and their Families (DSCYF) staff. With use of this tool, potential victims might now be identified and adjudicated appropriately in Family Court, and counted as such in the appropriate data set(s.)

**“Human trafficking cases are never under the tag name we think they should be under. I’ve only seen one child charged with prostitution. In the [police] report, you won’t see a cop saying, “I think she was out there for prostitution.” In Court, you depend on social workers to come forward because so many people think the kids are just promiscuous. . . they just classify it incorrectly.”** *Commissioner Loretta Young, Family Court*

Similarly, in adult criminal justice settings, the victim may not be identified initially as such, but instead be viewed and prosecuted as an offender.

**“Before I received training on human trafficking, I had contact with victims of other crimes without realizing that they were also victims of trafficking. For example, I now have a different perspective on statutory rape cases. Now that I have had training in this area, I ask additional questions to determine whether the victim is being trafficked. While I believe many trafficking victims have contact with the criminal justice system, we are now investigating cases to determine whether there is a trafficking element as well. Prior to 2014, we had never charged ‘human trafficking’”**

**at the State level. That is rapidly changing.”** Abby Layton, *Department of Justice, Family Division*

As noted earlier, labor trafficking has not been widely reported nor investigated in Delaware, though arrests have occurred. Until recently these arrests had mostly occurred via police sting operations at shady “spas” or “massage parlors” that evade regulation and detection by relocating frequently and operating in marginal locations. Other states have reported on labor trafficking that occurs in agricultural operations, in a domestic context, and/or in private employment settings, so it is highly unlikely that these practices are absent in Delaware.

### **Victim or Offender?**

One of the most perplexing and frustrating aspects of working with trafficking victims is their inability or unwillingness to self-disclose. Too often the victim of sex trafficking views the trafficker as a ‘boyfriend’ or other ally, despite clear evidence to the contrary. Adult victims, too, often hold that belief, even in the face of evidence that force, fraud or coercion has been used to continue exploiting them. This is especially true of young people who are vulnerable because of homelessness, poverty, family violence or chaos, past physical and/or sexual abuse, mental illness, addiction, physical disability or developmental disorder. But it is also true for adults who face the additional stigma attached to the label of ‘prostitution.’

**“During the five years of operation of the Court of Common Pleas (CCP) Human Trafficking Court, I never heard one woman participant refer to a “pimp” or “trafficker.” Instead, it was always “my boyfriend” or “my fiancé.” But, if that so-called “boyfriend” was in the back of the courtroom, it was often clear that the woman was afraid of this guy, nervously looking around at him and giving very generic and guarded answers to questions. It was only at sidebar, on the record but with the background noise on in the courtroom so she could not be heard in the gallery, that a woman opened up. She talked about how her “boyfriend” was trying to get her back on heroin after she had worked so hard, over many months, to get off illegal drugs. She was proud of her sobriety and didn’t want to use drugs again, but her “boyfriend” was really pressuring her to do so. Even under circumstances like these, the women didn’t seem ready to admit to themselves, or at least, not to acknowledge that the “boyfriend” was coercing them and using them as a commodity. And, certainly, the women did not refer to themselves as trafficking victims. That type of language was just not in their lexicon.”** Commissioner Mary McDonough, *Court of Common Pleas*

Child victims are generally excused from blame in trafficking situations, as well they should be. Adolescents, whose behavior under normal conditions may be taxing to adults, more typically are viewed as responsible for their situation—as having ‘chosen’ this life, or by dint of provocative behavior earned their abuse. But despite their

appearance as defiant, willing participants, their history typically reveals high ACE scores and other forms of trauma and deprivation:

**“Kids in the Division of Family Services (DFS) care are the most vulnerable population. Any kid that comes into the system is also vulnerable, however, because there’s a trauma attached to that. . . They have a little hole inside that needs to be filled. . . There’s always that wolf who wants to swoop in and meet their needs.”** *Commissioner Loretta Young, Family Court*

Adult victims of both sex and labor trafficking, as noted above, may be perceived as willing participants when in fact they are often survivors of extreme trauma who are struggling simply to survive and who see no viable alternative means of surviving. The result at any age can be behavior that is unacceptable, provocative, disruptive, insulting, and indeed illegal, making it all the harder for others to extend mercy or compassion. It is understandable then that service and criminal justice personnel find it hard to hold two truths in their mind at one time: that a person can be both an offender and a victim simultaneously.

**“...some people in the criminal justice system are not as empathetic to older teenage and adult victims. People in general don’t see adult victims of human trafficking as victims. People have a better understanding with younger children, but with adults, people may feel that this is a choice or that the victim could get out of the life if he or she chose.”** *Abby Layton, DE Department of Justice, Family Division*

Sex workers are often the victims of crime, including violent crime like assault and rape, and should be able to look to the criminal justice system for help. However, their distrust of the “system” is often so great, and their concern so strong that their particular type of criminal history will be used to discredit them on cross examination, that they usually do not report these crimes to the police.

**“A young woman in our treatment court showed up for a status hearing with a swollen black eye. When asked, in open court, how she was doing, the woman replied, “fine”, and keeping her head down, said she had nothing to report. It was only at sidebar, when asked how she got the black eye, that the woman said she had been beaten and raped on the street that week. She said the guy also stole the bag containing all of her clothes, and she only had the clothes she was wearing. When asked if she had called the police, she looked at us like we were from another planet. This prostituted/trafficked woman, in court as a defendant in a low level misdemeanor case, was afraid to report that she had been the victim of violent felony crimes.”** *Commissioner Mary McDonough, Court of Common Pleas*

Concerns have also been voiced by some women about being extorted for sex by law enforcement officers in exchange for not arresting them. This is, of course, alleged criminal conduct, and in Delaware, there have been some arrests and disciplinary actions of correction and law enforcement officers in this regard. However, many women, and particularly, sex workers, often do not report this type of crime.

## No Exit Ramp?

What does society hold out as viable alternatives to such servitude? For adults, the choices are not necessarily appealing. They typically have not completed high school let alone higher education, have few if any other marketable skills, have limited access to housing in a safe community—away from the trafficker and the trafficking environment—and are disrespected by virtually all who encounter them. While perplexing to the outside observer, remaining in their situation may appear to be the best of several bad options, at least until the situation deteriorates beyond basic safety.

**“When a woman has no means of basic survival but offering her body she has little choice but to walk close to that line and to forgive herself when she stumbles or is pulled across. These women need options, but before that they need hope that their life can be different. That’s what VASE tried to offer whenever possible. Hope.”**

*Stephanie Criss, VASE Victim Advocate*

Experts agree that identifying and serving victims of trafficking are challenging endeavors under even the best of circumstances—self-disclosed victims, well trained personnel, systems organized to respond—and more so under conditions of low public awareness, fear, and lack of specialized and trauma-informed services. While victims face many challenges on the road to healing, one of the most fundamental is the need to have hope that life can be different, and that healing is possible.

**“This is harder to do with child victims. With adults, you can give them a car, a place to live, and a job. A child, however, has to go back to school, to their communities and their neighborhoods. This can be extremely traumatizing when everyone knows what happened to you, especially considering the role of social media...”**

*Abby Layton, Department of Justice, Family Division*

Often the long road to healing starts with an astute and compassionate law enforcement officer, a police-based victim advocate, a trauma-informed court or a health care provider on the lookout for red flags. But even with those personnel ready to act, the service system must be prepared for a challenging recovery process, aided by targeted training, supervisory coaching and the availability of some specialized, residential options for the most profoundly traumatized individuals.

## B. Toward a Human Trafficking Strategic Plan for Delaware

The Council has taken the first steps toward developing a strategic plan to meet the requirements of the law by establishing a “current state” of readiness and establishing long and short term Goals. Representative Helene Keeley has challenged the Council to improve on the grade of “B” assigned by Polaris/Shared Hope International (Appendix C.)

“Delaware has made strides to toughen penalties on traffickers and safeguard victims, and we have to continue to protect those who have been victimized and abused. We as a society cannot and should not tolerate human trafficking,”

**Helene Keeley**

**State Representative, 3<sup>rd</sup> District, Delaware General Assembly**

“In order to end this dehumanizing practice, we need a comprehensive approach, and I am encouraged by the work of the Delaware Human Trafficking Interagency Coordinating Council. It has been energizing to see our police forces, justice system, health care workers and advocacy groups come together to address this complex problem.”

“Human trafficking occurs every day in our communities, stealthily traumatizing victims and tearing apart families. We have a duty to give a voice to those victims and not allow them to suffer in silence. I believe this issue deserves a multi-faceted approach, with agency collaboration and funding. We must truly open our eyes and address this issue head-on, which is why the work of the Delaware Human Trafficking Interagency Coordinating Council is so critical. The Council’s initial report should serve as a baseline in combatting human trafficking, and I look forward to seeing this work move forward.”

**Kimberly Williams**

**State Representative, 19<sup>th</sup> District, Delaware General Assembly**

The next sections of this report include two related sets of information: brief reports from the Committees, and brief assessments of the “current state” of agencies and systems. Due to the short timeframe since convening the Council, these are necessarily gross estimates of readiness, likely obscuring both gaps and areas of strength and innovation. As the picture this paints becomes clearer in the coming year, Council anticipates the need to adjust goals accordingly and to add specificity: strengths and gaps, objectives, action steps, measures and monitoring processes.

## II. Committee Structure and Goals

The following committees were formed and convened soon after the first meeting of the Council, apart from the Juvenile committee which was approved and formed at the third Council meeting. All committees quickly began developing their approach to the assignment. Because of the short time frame to develop long and short term goals, these summaries should be considered preliminary plans. In the coming year the committees will be considering additional information and data, incorporating additional input and coordinating effort with the other committees. With additional information and further consideration, the committees will focus on identifying what is needed to meet Council goals and how best to do so.

### Committees and Chairs

Training: Annamarie McDermott

Public Awareness/Prevention: Diane Glenn

Victim Services: Melissa Pennachi

Data Collection and Analysis: Chris Kervick

Bylaws: Judge Carl Danberg

Annual Report: President Judge Jan Jurden

Juvenile: Trenee Parker

### A. Training Committee

#### Members

Annamarie McDermott, MSW, St Francis Hospital Director Care Management - Chair

Cecilia Ahanonu, PA-C, Nemours/Al Dupont

Barbara Allsopp, Dover Aglow International, President

Johanna P. Bishop, Ed.D., CPT, Director Behavioral Science, Wilmington University

Judge Carl Danberg, Delaware Court of Common Pleas

Patricia Danner, US Department Health and Human Services

Debbie Litten, YWCA Delaware, New Castle Coordinator

Maria Martinez, RN, Beebe Healthcare, Zoë Ministries

Diane Glenn, Victim Services Coordinator, City of Dover

Dyron Green, Labor Law Enforcement Officer, Department of Labor

Julie Petroff, Director, Division of Industrial Affairs, Delaware Department of Labor

Corrie Schmitt, Delaware State Police Victim Services

**Legislative charge: Coordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.**

The Training Committee has identified the following initial list of state and local agencies and personnel who may have recurring contact with victims or perpetrators. The

Committee has preliminarily divided employees into groups, with particular attention to children and youth. While this list is not exhaustive and there is overlap, it will serve as basis to coordinate training on human trafficking.

### **Children & Youth**

- Board of Education
- School Districts
- School nurses
- School transportation
- LGBTQ youth service agencies
- Pediatric dentists
- Service providers for youth
- Department of Services for Children, Youth and their Families
- Parent Teacher Associations
- School Counselors
- Teachers
- Low income housing/section 8
- Pediatricians
- Child labor work permit issuers
- Social workers

### **Transportation**

- DART
- Uber/Lyft drivers
- Railroad employees (Wilmington Station, Newark/UD station, & Claymont Station)
- Paratransit
- Taxi drivers

### **First Responders**

- Paramedics & EMT's
- Victim Services
- Law Enforcement: local, state and federal
- Disaster response: American Red Cross volunteers, Department of Safety and Homeland Security, emergency management agencies, state and local
- Firefighters

### **Medical**

- Acute medical care hospitals
- Dentists
- Obstetrics/Gynecology providers
- Outpatient behavioral health providers
- Substance abuse treatment providers, including rehab facilities, Medication-Assisted Treatment (MAT) providers and counseling agencies
- Behavioral health inpatient facilities
- Pain management providers
- Federal qualified health centers
- Walk-in medical clinics

### **Department of Correction**

- Probation & Parole
- Social Workers

### **Labor**

- Labor law enforcement
- Foreign labor certification personnel
- Child labor work permit issuers

## **Businesses**

- Chamber of Commerce
- Trucking industry
- Nail salons
- Health spas
- Restaurant association
- Hotel/motels
- Massage parlors
- Pool management companies

## **Legal**

- Judges
- Court personnel
- Attorneys
- other legal professionals

## Goals:

### Short Term:

1. Identify public and community partners for the above employees.
2. Coordinate with their training resources to identify trainings in place and gaps in training.
3. Explore and create a database of existing, available trainings on human trafficking generally and for specific employee groups.
4. Identify 2 to 3 key agencies where there is opportunity for early identification and prevention and assess for training opportunities.
5. Collaborate with Victim Services Committee to ensure training on victim services is up-to-date.
6. Collaborate with the Juvenile Committee on specialized training needs.

### Long Term:

1. Develop protocols for initial and on-going trainings on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.
2. Using the Sequential-Intercept Model, identify cross-training opportunities for all key agencies.
3. Develop a State Training Institute to efficiently manage all training resources on the prevention, identification and provision of victim services.

## **B. Public Awareness/Prevention Committee**

### Members

Diane Glenn, Victim Services Coordinator, Dover Police Department – Chair  
Johanna Bishop, Professor, Wilmington University  
Erin Connelly, Victim Services, Department of Correction  
Kelly Head, Fellow, Community Legal Aid Society



Trenee Parker, Director, Division of Family Services, Department of Children, Youth and Their Families

Debra Reed, Director of Victim Services, Delaware State Police

Yolanda Schlabach, Director, Zoë Ministries

Kimberly Williams, State Representative, 19<sup>th</sup> District, Delaware General Assembly

**Legislative charge: Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention. Create a public-awareness sign that contains the state and National Human Trafficking Resource Center hotline information.**

### Goals

#### Short term:

1. Produce a media campaign that includes brochures, public service announcements, radio, and other public domains that increases awareness of labor and commercial sexual exploitation.
2. Establish a public calendar of awareness trainings, events and forums regarding labor and sex trafficking.
3. Host public forums/events where those trained in human trafficking issues educate others.
4. Work collaboratively with government agencies, local non-profit organizations, health care workers, judicial officers and law enforcement, transportation companies/entities, faith-based organizations and others to educate and inform on issues and concerns regarding labor and sex human trafficking in our state.
5. Develop a Speakers' Bureau.
6. Recruit additional members to the Committee as needed to accomplish goals.

#### Long term:

1. Inform all state and community agency personnel in Delaware of the signs, risks, resources, and services available for human trafficking victims. Enhance public and private sector knowledge about labor and sex human trafficking.
2. Develop and improve existing resources to educate the public on topics including, but not limited to:
  - Risk factors
  - Signs and symptoms, indicators of trafficking
  - Resources available at the national, state and local levels
  - Information and assistance with crisis services, shelter and long term care
3. Target at-risk populations to increase awareness of the potential dangers that exist and assistance that is available to help them through this critical time in their lives.
  - Develop awareness and training materials

- Increase the community's understanding of the risk factors and resources available regarding care available to victims of both labor and sex trafficking
- Have all materials that are offered translated in various languages to make the information accessible to non-English speaking persons

Note: As reported by DE Department of Transportation's (DelDOT) Deputy Attorney General, the agency provided signs and stickers (developed by the first Human Trafficking Coordinating Council) for a public awareness campaign in January of 2017. DelDOT then provided the signs and stickers to internal and external partners to help maximize the posting of signs and worked in cooperation with the Smyrna rest area and Delaware Turnpike to have additional signs posted in rest areas. Outreach was also made to the Delaware Transit Corporation (DTC) and Delaware Motor Transit Association (DMTA) to cover popular truck stops, transit hubs, and train stations.

### C. Victim Services Committee

#### Members

Melissa Pennachi, Victim Services Coordinator, Newark Police Department – Chair  
 Amanda Alcaraz, YWCA Sexual Assault Response Center  
 Susan Alfree, Delaware Victim Services, U.S. Attorney's Office  
 Carl Colantuono, Director of Development Office, Salvation Army  
 Debra Reed, Director of Victim Services, Delaware State Police  
 Aimee String, Criminal Justice Planner, Domestic Violence Coordinating Council

**Legislative Charge: Develop a comprehensive plan to provide victims of human trafficking with services.**

#### Goals

##### Short Term:

1. Map current services in existence.
2. Communicate identified services to the larger community.
3. Identify gaps in services and what is needed, especially emergent needs.
4. Collaborate to identify funding sources and grants to communicate to agencies working to expand or develop HT services, and work as a clearinghouse to disseminate that information.
5. Plan to host half day roundtable of service providers for discussion and networking. This will help these providers and allied professionals know what each agency does and how those services can be accessed. It can help address how we can work together and maintain confidentiality to provide services to a victim, potentially from various agencies at the same time.

##### Long Term:

1. Establish services or collaborate with agencies who have services or are establishing services to help with assessment and guidance.
2. Help to determine sustainability plan for services.
3. Continue to identify and distribute information about services to allied professionals and larger community.
4. Have ongoing roundtable events with service providers to discuss concerns, issues, and best practices for serving human trafficking victims and survivors.

#### D. Juvenile Committee

##### Members

Trenee Parker, Department of Services for Children, Youth and Their Families, Director, Division of Family Services - Chair

Barbara Allsopp, Dover Aglow International

Lauren Arnold, Department of Services for Children, Youth and Their Families

Abigail Layton, Department of Justice

Lisa Minutola, Office of Defense Services

Rachael Neff, Family Court

Meredith Seitz, Department of Services for Children, Youth and Their Families

Diana Suchodolski, Meet Me at the Well Foundation

Colleen Woodall, Department of Services for Children, Youth and Their Families

Michele Yingling, Department of Services for Children, Youth and Their Families

**Legislative charge:** No specific legislative language.

##### Goals

Short term:

1. Expand membership on the Juvenile Committee to include law enforcement, Department of Education, Office of the Child Advocate and other agencies.
2. Discuss use of the human trafficking checklist that is included in the Best Practices MOU ([https://www.courts.delaware.gov/childadvocate/cpac/cpac\\_reports.aspx](https://www.courts.delaware.gov/childadvocate/cpac/cpac_reports.aspx)) with all suspected victims of trafficking that are involved with the Department of Services for Children, Youth and Their Families (DSCYF).
3. Provide training on the human trafficking checklist to DSCYF staff.
4. Coordinate with the HTICC Training Committee to provide training at the Wilmington University Trafficking Symposium on how to best interview youth victims.
5. Work on developing an awareness program for at-risk youth served in facilities within DSCYF. The Committee will look at existing resources to see if an appropriate program currently exists.
6. Strengthen training and increase opportunities for foster parents to receive training on identifying youth victims of trafficking.

Long term:

1. Determine the appropriateness of other systems (i.e. Department of Education, health care providers) using the Best Practices MOU checklist.
2. Make training available to other systems on identifying signs of trafficking in juveniles.
3. Explore ways to expand the service array for in-state services for victims. This will include a search of best practices for trauma-informed services for post-residential treatment.
4. Change the language around how victims are described (i.e. refer to victims as being “exploited” and not “trafficked”).

## E. Data Collection and Analysis Committee

### Members

Christian Kervick, Criminal Justice Council, Executive Director - Chair

Earl McCloskey, Executive Director of DELJIS

Spencer Price, Director, Statistical Analysis Center

Joanna Champney, Chief of Planning, Department of Corrections

Tanya Whittle, Planning and Research, Administrative Office of the Courts

Dan O'Connell, Senior Scientist, University of Delaware

Trenee Parker, Department of Services for Children, Youth and Their Families

Susan Alfree, Victim Services, U.S. Attorney's Office, Delaware

Maureen Monagle, Executive Director, Domestic Violence Coordinating Council

Johanna Bishop, Wilmington University

Randall Hughes, Chief, Georgetown Police Department

### **Legislative charge: Collect and evaluate data on human trafficking in Delaware**

Problem: In the State of Delaware, there is no singular system that can capture the full impact of human trafficking. This multi-faceted issue exists across disciplines, agencies and jurisdictions. An analysis of the current Criminal Justice Database indicates there have been 13 arrests for charges of human trafficking with an 85% clearance rate between 2012 -2017. This number reflects only the verified criminal justice charges that have been captured by DELJIS.

### Goals

Short Term:

1. Identify existing data sources, processes and mechanisms of collection of human trafficking data.
  - a. Create focus groups with agencies, jurisdictions, faith-based groups, non-profits etc. to discuss how human trafficking data is captured.

- b. Create a strength, weaknesses, opportunities and threats (SWOT) analysis.
2. Create an assumption analysis of human trafficking data in Delaware based on research.
3. Work with the public and training committee to identify issues in training.

Long Term:

1. Develop a comprehensive cross-discipline human trafficking data collection tool.
2. Create timely reporting procedures and analysis techniques using the tool in order to continually inform decision makers.
3. Continue to coordinate with other agencies (State, local, non-profit, faith based) to review data and improve quality assurance.

Implementation Objectives

1. Identify and measure efforts toward awareness and training.
2. Identify the scope of human trafficking and set parameters (dates) to collect data.
3. Study what other states/jurisdictions are doing about collecting data on human trafficking.
4. Recruit additional committee members as appropriate.

Research Questions

1. Why the subject of human trafficking is so difficult to measure?
2. Can the psychological effects on the victims be measured?

F. By-Laws Committee

Members

Judge Carl Danberg - Chair  
Abigail Layton, DAG

**Legislative charge: Establish By-Laws and adhere to the provisions of the statute as it relates to powers, duties, council composition, meetings, procedure, committees, reporting requirements and other related matters**

Goals

Continuously evaluate utility of By-laws, evaluate need for amendments, and monitor adherence to by-laws.

G. Annual Report Committee

Members

President Judge Jan Jurden, Superior Court - Chair  
Leslie Brower, Project Director, Division of Substance Abuse and Mental Health, DHSS

Diana Suchodolski, Technical Analyst, Meet Me at the Well Foundation

**Legislative charge: To establish a written report on the actions and recommendations of the Council to be submitted to the Governor and General Assembly and the Chief Justice of the Supreme Court at least once every year on or before September 15.**

#### Goals

Short Term:

1. Support Committees in providing relevant input for the annual report.
2. Provide Council with clear guidelines for report structure.

Long Term:

1. Support Council in preparing to establish a strategic plan.

### III. Current Status

This section describes the current status of each agency or system regarding the elements listed in the Council's charge: victim services, training, public awareness, and coordination. For the most part, this "current state" picture reflects the relatively recent focus on human trafficking in Delaware: most agencies or systems are only now starting to recognize the nature of the problem and to begin studying the scope, scale and implications in those systems. As noted earlier, these are of necessity gross descriptions, constrained by the short timeframe following the first meeting of the Council. Further, these sketches include only the agencies or systems represented on Council; additional participation and input is needed from other agencies and systems, such as the K-12 education community and the Department of Correction.

#### A. Superior Court

**Strategic Plan for Victim Services** - Not within the purview of the Superior Court.

**Data collection and analysis** – Defendants appearing before the Court are rarely identified as victims of human trafficking and the Court has no human trafficking data fields and no formal data analysis.

**Public Awareness** - Not within the purview of the Superior Court.

**Training** – Some of the Superior Court judges have received training but there has been no mandatory and/or coordinated training.

**Coordination** – The Court of Common Pleas and Superior Court have coordinated with Survivors of Abuse in Recovery (SOAR) and other stakeholders to help identify victims of human trafficking so they can be connected with resources/treatment.

## B. Court of Common Pleas (CCP)

**Strategic Plan for Victim Services** - Not within the purview of the Court of Common Pleas.

**Data collection and analysis** – It is unusual for defendants to be identified as victims during their appearances in court. While there are some risk factors which may become apparent in court, the best opportunities to identify victims of human trafficking occur prior to court. The Court has no human trafficking data fields and no formal data analysis.

**Public Awareness** - Not within the purview of the Court of Common Pleas.

**Training** – Most judges on the Court have received some training but there has been no coordinated or continuing training.

**Coordination** - CCP and Superior Court have coordinated with SOAR and other stakeholders to help identify victims of human trafficking, so they can be connected with resources/treatment.

## C. Department of Justice (DOJ)

**Strategic Plan for Victim Services** - Human trafficking is human exploitation. The DOJ's goal is to rescue people from this life of modern day slavery. The first priority is the safety and wellness of the individual victim. The DOJ takes a trauma-informed approach to building its relationship with victims. To that end the DOJ will continue to provide internal and external training to Deputies and Social Workers.

**Data collection and analysis** – DOJ case outcomes, as it relates to human trafficking arrests and convictions, are captured by DELJIS and contained with existing criminal justice data.

**Public Awareness** – The first priority to tackling the trafficking epidemic is education and the DOJ is committed to this priority. The DOJ worked with Wilmington University to produce a Delaware-specific PSA campaign to raise awareness of trafficking in our community. Further, the DOJ has created a resource page (<https://attorneygeneral.delaware.gov/human-trafficking/>) which provides information for individuals who have questions or concerns about human trafficking issues or who may seek training or education resources.

**Training** – Since 2014, the DOJ has presented to at least 30 different public groups including the Delaware Chapter of the American Massage Therapy Association, the Delaware State Bar Association, the League of Women Voters, Westside Health, and various schools throughout the State. In addition, DOJ has conducted training sessions in human trafficking signs and prosecution for deputies and various law enforcement agencies throughout the State. The DOJ will continue to provide internal and external training to remain current on the best practices in this area.

**Coordination** – The DOJ works closely with both state and federal law enforcement agencies in the investigation and prosecution of human trafficking cases. The DOJ has provided training to other stakeholders in this area and works closely with them to develop a plan forward once a victim of human trafficking has been identified. Internally, the DOJ has a multi-division working group to coordinate the educational and investigative efforts. In addition to criminal prosecutions, civil, administrative and criminal nuisance actions have been taken against illicit massage establishments suspected of being involved in human trafficking.

Short term goal: There has been an increasing number of cases of human trafficking investigated and prosecuted due to increased awareness and educational efforts with our partners. We will continue our educational and training efforts that will lead to more criminal prosecutions and civil enforcement actions.

#### D. Office of Defense Services (ODS)

**Strategic Plan for Victim Services** - ODS does not serve victims in the traditional sense. ODS is the statewide indigent defense service provider in Delaware and, therefore, represents juvenile respondents and adult defendants charged with a variety of offenses in all state courts. However, ODS does encounter defendants who may be, or have been, the victims of human trafficking. These clients would be referred to appropriate services for assistance, if they so desired. With the consent of the client, this information may be conveyed to the prosecutor or court as part of a plea or sentencing. This information may result in charges being dropped or reduced. This information may also result in the mitigation of the imposed sentence and/or treatment alternatives to incarceration.

**Data collection and analysis** – ODS does not collect data specific to human trafficking.

**Public Awareness** - None to date other than participation in the trainings listed below.

**Training** – On April 15, 2016, a joint presentation on human trafficking was hosted by the Vincent A. Bifferato Trial Practice Forum. Presenters were Abigail Layton, DOJ, Lisa Minutola, ODS, and Dr. Steven Lawless, Christiana Care. Attendees included members of the Delaware Bar and Judiciary. On April 27, 2018, ODS, in conjunction with CJC, hosted a Juvenile Justice Summit: "Changing Course- Reshaping Juvenile Justice Through Best Practices." The second session focused on the human trafficking of juveniles and was presented by Amelia Rubenstein, MSW, LCSW-C from the Child Sex Trafficking Victims Initiative. The seminar was attended by Juvenile Justice Stakeholders from ODS, DSCYF, OCA, the Courts, DOJ and others.

**Coordination** – Juvenile Justice Stakeholders from ODS, DSCYF, Office of Court Administration (OCA,) the Courts, DOJ and others.



## E. Law Enforcement (LE)

**Strategic Plan for Victim Services** – DSP and four municipal police departments (Wilmington, Dover, Newark and Georgetown) have Victim Advocates on staff. In addition, all other Delaware law enforcement agencies have access to Victim Services via the DSP Delaware Victim Center. (See also the Victim Services section of this report, page 29.)

**Data collection and analysis** – Delaware LE agencies report all crime data to a single repository, DelJIS. However, data analysis for human trafficking cases can be difficult to extrapolate due to the vast number of potential criminal charges that may be indicative of human trafficking. In addition, a working definition of human trafficking, aside from the codified statutes, has not been formulated so that data analysis parameters can be established.

**Public Awareness** - Delaware LE has partnered with federal agencies, specifically HSI, to disseminate and participate in the “Blue Campaign.”

**Training** – Delaware LE has disseminated human trafficking training material (Blue Campaign) and other resources via DIAC. Although this method ensures delivery of the material, verification that each officer properly learned the educational material is lacking. Several LE agencies have developed training modules with proper verification of attendance; however, statewide accountability measures are not currently in place for this particular topic.

**Coordination** - Delaware LE agencies coordinate investigative and prosecutorial activities with state and federal authorities. Enhanced partnerships are needed with fellow stakeholders in the fields of social services, healthcare, YRS, DOC, and legal defense services.

## F. Healthcare

**Strategic Plan for Victim Services** – Currently, there are no trauma-informed healthcare programs to specially treat the acute and chronic healthcare needs of human trafficking victims.

**Data collection and analysis** – None. Beginning October 1, 2019, there will be new diagnostic codes approved by the CDC to adequately differentiate victims of human trafficking from other abuse victims.

**Public Awareness** – The Delaware Healthcare Association Medical Committee on Human Trafficking is comprised of DE acute care facilities, Medical Society of Delaware, Wilmington University, and behavioral health (started in February 2018) to address education and training.

**Training** – Multiple trainings exist for healthcare providers and first responders. Several healthcare providers have already participated in trainings.

**Coordination** – Current efforts of The Medical Committee on Human Trafficking are planned to develop a state-wide assessment & response protocol. Active Resources: Dignity Healthcare, HEAL Trafficking (Health, Education, Advocacy, Linkage), Polaris, Mainline Health, State of Ohio, Dr. Jeffrey Barrows M.D., Founder of HEAL Trafficking and Gracehaven, a rehabilitative facility for victims of domestic minor sex trafficking in Ohio.

#### G. Department of Health and Social Services (DHSS)

**Strategic Plan for Victim Services** - Because victims may need any of our Department's services at a moment's notice, our long-term goal is to develop a crisis response unit that can coordinate with the victim services units of law enforcement agencies to activate those services in expedited fashion, including mental health and addiction treatment, Medicaid coverage and food benefits.

**Data collection and analysis** – Our Department should consider whether it is appropriate to gather data on victims of human trafficking through any of our divisions and, if so, how to implement that collection.

**Public Awareness** – Through the Office of the Secretary, our Communications Department is on the constant lookout for stories about human trafficking in Delaware or nationwide that can be posted on DHSS social media sites. When those stories are posted, the call to action is always the same: If you suspect someone is the victim of human trafficking in Delaware, call 911 or the National Human Trafficking Hotline at 1-888-373-7888. Our goal is to help the Council increase public awareness in any way possible.

**Training** – Three of our agency divisions – State Service Centers, Child Support Services and Social Services – are undergoing trauma-informed training. By the end of the year, our Department expects to have approximately 1,000 staff trained in the awareness of the trauma-informed approach. This training is important in working with victims of human trafficking. After suspected recruitment activity at a community behavioral health agency during the spring, our Division of Substance Abuse and Mental Health (DSAMH) held two conference calls with providers and distributed information and resources for a) basic awareness online training and b) provider protocols for screening, reporting and service planning.

**Coordination** – Across DHSS, our goal is to work with the Victim Services Committee and victim services units from law enforcement agencies to coordinate expedited benefits determination and access with a special unit or protocol to handle the cases of human trafficking victims.

House Bill 164 Amended assigns responsibility for administering the HTICC to DHSS; the Division of Substance Abuse and Mental Health funds a position focused on trauma-informed approaches, including the current work of the Council. The employee in this position, Dr. Leslie A. Brower, was elected Chair of the Council for 2018-2019. This position also supports the statewide organization Trauma Matters Delaware whose membership and Steering Group represent virtually every health and human service system in Delaware, and whose focus includes virtually any kind of trauma including human trafficking. Trauma Matters Delaware offers public events, conducts policy advocacy, conducts data analysis and provides selected agency training activities throughout the state. In this capacity DSAMH coordinates across services, populations and settings, both within DHSS and with other state agencies and community organizations.

Public awareness of human trafficking in our state has increased dramatically, especially for sex trafficking. Thousands of Delawareans have attended presentations about human trafficking. Fliers with hotline numbers are posted in convenience stores and at truck stops; bumper stickers are popping up more often; and outreach through community organizations is increasing up and down the state.

That awareness has led to more law enforcement involvement, too. Complaint calls are being made about possible cases. Survivors are coming forward for support. Criminal investigations and court cases are increasing.

Still, despite the progress that has been made, we know there are many challenges left before us – beginning with the stigma surrounding survivors of sex trafficking. They are not criminals; they are victims, and they deserve support and services.

Dr. Kara Odom Walker, DHSS Cabinet Secretary

## H. Department of Labor (DOL)

**Strategic Plan for Victim Services** – In serving victims of wage theft and providing other employment services we can help identify victims of labor trafficking and refer them to other agencies for other services. We will educate our labor law enforcement officers to recognize labor trafficking victims and make appropriate referrals. We can help labor trafficking victims collect wages. We are looking at the Massachusetts model<sup>3</sup>, including the mobile application and will do the following:

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<sup>3</sup> See *Massachusetts Community Justice Workshop Report on Commercial Sexual Exploitation*, Massachusetts Community Justice Project, October 2017.

1. Carry out research, policy engagement and technical cooperation to advance the elimination of trafficking.
2. Investigate complaints of labor law violations, and be an important partner in the detection of trafficking victims (Key Areas: Domestic Work, Traveling Sales, Restaurant/Food Service, Agriculture, Commercial Fronted Brothels/Massage Parlors, Health and Beauty Services, etc.)
3. Create a more extensive plan to assist trafficking survivors file and pursue claims that involve accommodation issues, sexual harassment and discrimination, wage and hour violations, worker's compensation, disability rights, and immigration issues.
4. Work with DOL Divisions such as Division of Industrial Affairs and Employment & Training to offer programs like One-Stop Services (i.e., job-search, job-placement assistance, and job-counseling services as well as educational and training services and DHSS referrals to supportive services such as public benefits, transportation, childcare, and housing to survivors of trafficking).

**Data collection and analysis** – There is currently no data available or programs used in the DOL to track trafficking.

**Public Awareness** - There are no public awareness efforts in place related to human trafficking at this time. DOL will:

1. Disseminate information about the National Human Trafficking Hotline.
2. Encourage voluntary anti-trafficking commitments.
3. Encourage businesses in the following industries to post signs regarding human trafficking such as:
  - Agricultural labor contractors.
  - Lodging facilities.
  - Adult entertainment services.
  - Airports, train stations and bus stations.
  - Hospitals and urgent care centers.
  - Rest areas and truck stops.
  - Restaurants, bars, night clubs.
  - Any location declared a nuisance.
  - Major sporting events or conventions.
  - Massage services.

**Training** – There is no training related to human trafficking at this time. As part of our short term goals, we do plan for the Chief Labor Enforcer in Massachusetts to provide training to our staff. DOL will also:

1. Continue to look at other states and jurisdictions as mentioned previously, such as Massachusetts, Tennessee, Texas and Colorado, where they are charged, at the investigative level, with training law enforcement and other government officials who are directly involved with the investigation and intake of human trafficking complaints.

2. Ensure training, where appropriate, includes presentations by human trafficking experts with experience in the delivery of direct services to victims of human trafficking (USDOJ, Homeland Security, ICE, USDOL, OVC TTAC).

**Coordination** – There are no interagency coordination efforts in place related to human trafficking at this time.

I. Department of Services for Children, Youth, and Their Families (DSCYF)

**Strategic Plan for Victim Services** - The Department, which encompasses child welfare, juvenile justice and child behavioral health, will continue to provide services to victims that are impacted by any form of abuse or neglect. Staff in all of the Divisions within the Department will continue efforts to identify victims and ensure that they have the services necessary to heal.

**Data collection and analysis** – The Department maintains a data system called For Our Children’s Ultimate Success (FOCUS). This system collects data on children that have been identified as victims. Due to Federal statutory changes, children who have been victims of trafficking are now considered victims of abuse and neglect along with being victims of crime. As a result, investigations are completed that could lead to a civil finding against a perpetrator. Information on these findings are also maintained in FOCUS, as are referrals to and from law enforcement regarding these incidents.

“Juvenile victims of human trafficking and those at high risk of becoming victims come to our department needing a variety of services and often require services from all three of our Divisions at the same time. In these cases, our staff are in a unique position to work together across the Department to ensure that these youth are receiving individualized services in the most appropriate setting.”

Josette Manning, Esq., DSCYF Cabinet Secretary

**Public Awareness** – While the Department does not have a specific campaign related to trafficking, information on hotlines for child abuse notification and children’s mental health concerns are publicized. The Department also maintains a website that provides information on reporting, as well as available resources for families.

**Training** – Staff in the Division of Family Services were provided training on identifying victims of trafficking, with a specific focus on screening children who are served in foster care after a runaway event. A screening tool was established, as well as Division policy, to guide the work of staff. Efforts in the Department also include providing staff with trauma-informed tools to help when engaging children and families who have experienced trauma. Staff in the juvenile justice facilities that serve youth provide several screenings at intake to inform planning for youth during their stay.

**Coordination-** Several members of the Department team have been involved on the Child Protection Accountability (CPAC) Best Practices Committee. This Committee developed a Memorandum of Understanding (MOU) that guides the multi-disciplinary team work that includes law enforcement, the medical community, the Department of Justice and many other stakeholders in the investigation of child abuse and neglect. Part of this coordination included the creation of an app that is available to staff in order to allow them to access the MOU from a cell phone. The Department also has several commissioners on CPAC, including the Cabinet Secretary. Beyond instate collaboration, members of the Department have met with the FBI and are looking at ways to improve the multi-disciplinary process and to better serve youth.

## J. Victim Services

In the state of Delaware there are “system-based” victim services available to victims throughout the criminal justice system. Police departments, the Office of the Attorney General and the Department of Correction all have victim services advocates who work with victims throughout the process. For the purpose of this report the following information pertains only to police-based victim services.

**Strategic Plan for Victim Services** - All police-based victim service programs have a specific plan for responding to victim needs as assistance with emergency shelter, counseling, medical attention, emergency financial assistance, support etc. Victims of human trafficking are clearly included within the plan for victim assistance. Most programs have a plan in place for 24-hour coverage. The advocates may receive referrals from police officers, community members, victims etc. Most referrals come from police officers/investigations. The DSP DE Victim Center operates a 24-hour hotline 1800 VICTIM-1. Advocates accompany clients to court, hospital, police interviews, etc. Advocates may respond directly to crime scenes.

**Data collection and analysis** – Individual programs have their own method of data collection based on clients they serve, type of service provided, type of crime etc. Overall data collection for police investigation in Delaware is DELJIS. Aside from DELJIS, the individual victim service programs can note or keep statistics on their belief that a victim is a victim of trafficking, even if not reflected in DELJIS. Further, Delaware utilizes information provided by the national Human Trafficking Hotline (Polaris) to receive data and tips of possible human trafficking situations.

**Public Awareness** - All police-based victim programs provide public awareness/outreach/training which could include instruction to the police academies, outreach/panel presentation to community programs, local colleges, and/or collaboration with other agencies. Additionally, the programs house many resource materials that are readily available to provide to victims and others as needed. The police departments are also a place where their victim programs can post public awareness materials, including materials about human trafficking.

**Training** – All officers go through training in a police academy that includes training about victim services, responding to victims, and trauma informed care. Additionally, officers as well as police-based victim services complete ongoing training around a variety of more concentrated topics, such as investigation of human trafficking and responding to victims of such.

**Coordination** - There is extensive interagency coordination by way of involvement in statewide initiatives such as task force meetings/activities, Annual Victim Events, fund raising opportunities etc. By participating in these task forces and committees, it is an ongoing way to be informed and aware of trends in the field, training opportunities, or other initiatives in the state and nationally. It is also a way to share information, such as best practices and information gained from those attending training and being able to bring it back to the larger group.

The police-based programs collaborate at the “ground floor” level by way of assisting with cases, sharing information, and working together to develop and update plans to best serve victims. The VS programs maintain a comprehensive listing of outside agencies in order to have a strong referral source for victims.

#### IV. The Sequential Intercept Model: A Conceptual Framework

The HTICC has adopted the Sequential Intercept Model (SIM) as its framework for addressing the Council’s goals.

The SIM was developed by Mark Munetz, MD, and Patty Griffin, Ph.D. in conjunction with the Substance Abuse and Mental Health Services Administration’s (SAMHSA) GAINS Center.<sup>4</sup> It provides a conceptual framework for communities to organize targeted strategies for justice-involved individuals with behavioral health disorders. The SIM was first employed in Delaware approximately ten years ago by the Chief Justice’s Criminal Justice Mental Health Task Force, and the HTICC determined the SIM could serve as a very helpful conceptual framework to organize targeted strategies for victims of human trafficking, not just those suffering from mental health disorders or substance abuse. Delaware is not the first to use the SIM for purposes of addressing human trafficking. The Massachusetts Community Justice Project, an initiative of the Massachusetts Trial Court<sup>5</sup>, used the SIM to study human trafficking in 2017.

The SIM depicts the justice system, healthcare systems, and education systems as a series of points of “interception” at which an intervention can be made to divert persons away from the justice system and connected to available systems and programs.

The “intercepts” mentioned in the original model are:

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<sup>4</sup> See SAMHSA’s GAINS Center. (2013) *Developing a Comprehensive Plan for Behavioral Health & Criminal Justice Collaboration: The Sequential Intercept Model*, Delmar, NY: Policy Research Associates, Inc.

<sup>5</sup> See *Massachusetts Community Justice Workshop Report on Commercial Sexual Exploitation*, Massachusetts Community Justice Project, October 2017.

- Law Enforcement and Emergency Services
- Initial Detention and initial hearings
- Jail, courts, specialty (problem-solving) courts, forensic evaluations and forensic commitments
- Reentry from jails, prisons and forensic hospitalizations
- Community corrections (probation) and community support

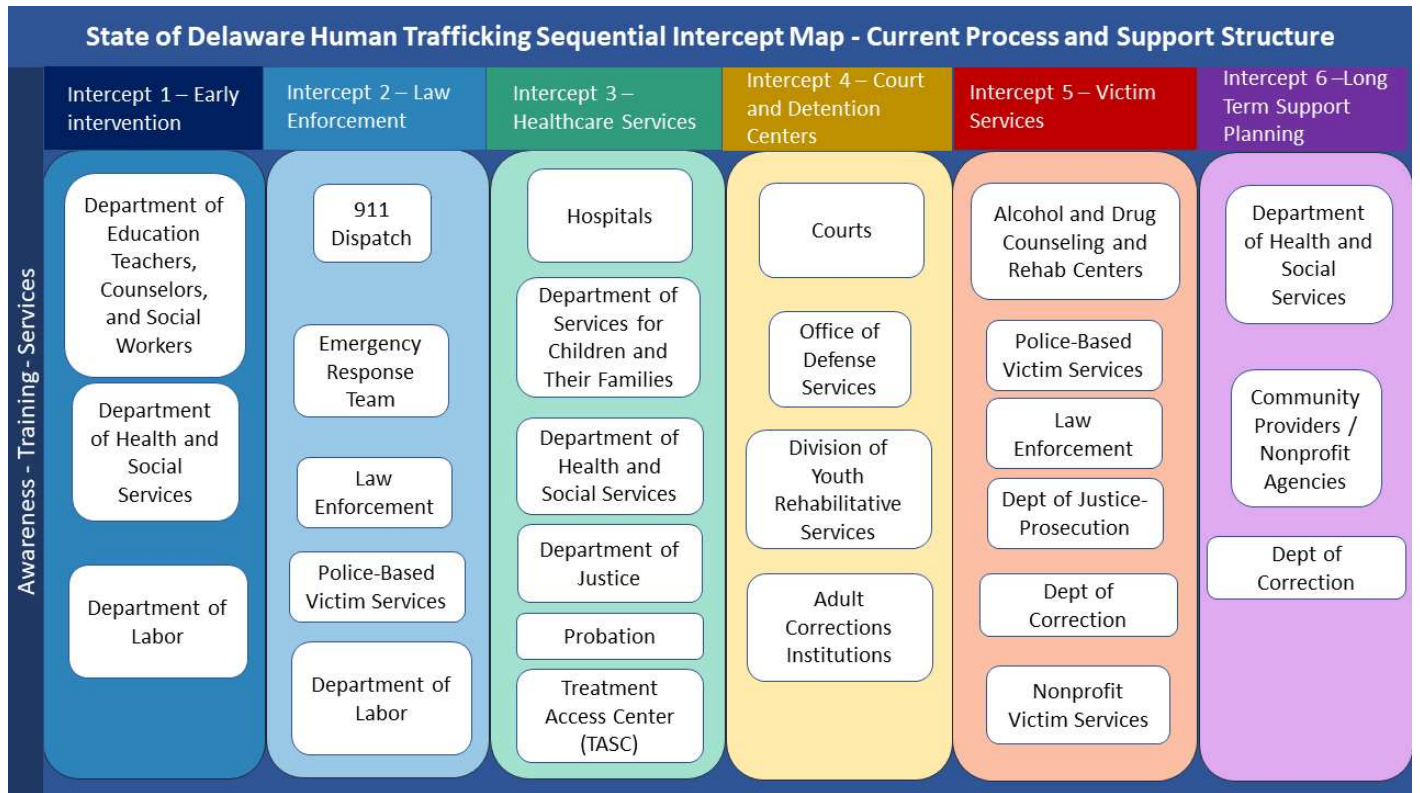
Utilizing the SIM, the HTICC will begin identifying current resources, services and stakeholders at each intercept point; identifying barriers to, and gaps in services, and determining priorities for addressing those gaps. The goal is not only to develop a comprehensive picture of how victims of human trafficking flow through various systems, but to identify how and where stakeholders can identify them earlier, provide necessary and ample resources, and assist in extricating them from their traffickers.

The HTICC is grateful for the pioneering work of Drs. Munetz and Griffin and SAMHSA's GAINS Center in creating the Sequential Intercept Model, and for the work of the Massachusetts Community Justice Project in utilizing the SIM in the context of commercial sexual exploitation.

Human trafficking does not fit perfectly into this framework because many victims and suspected victims of human trafficking never come in contact with the justice system. They are "under the radar." But there is data to suggest that many victims of human trafficking do become justice-involved, and therefore, the HTICC determined that the SIM, with some modification to include intercepts not within the justice system, could prove useful in the HTICC's work.



## Sequential Intercept Model



NOTE: The Sequential Intercept Model graphic is for illustrative purposes only and is not intended to be complete nor comprehensive.

## V. Recommendations

### A. General Assembly Statutory Language

1. Amend 11 *Del. C.* § 787 (k)(1)(a) to state “Three representatives of the Judicial Branch, to include Family Court, as appointed by the Chief Justice” and add 11 *Del. C.* § 787 (k)(1)(k) “A representative from the Department of Education to be appointed by the Secretary of Education.”
2. Expand the list of offenses eligible to be vacated, expunged or pardoned under 11 *Del. Code* Section 787(j) for person who committed the offenses as a direct result of being a victim of human trafficking.
3. Review the filing requirement under 11 *Del. Code* Section 787(j)(2) to eliminate barriers.
4. Identify elements of the Polaris/Shared Hope grading system and consider any that might be appropriate for changes or additions to Delaware’s code.
5. Restore language from the previous HB164 mandating signage in hospitals and other locations.
6. 11 *Del. C.* 1953, § 1342; [58 Del. Laws, c. 497, § 1](#); [67 Del. Laws, c. 130, § 8](#); [70 Del. Laws, c. 186, § 1](#); [75 Del. Laws, c. 319, § 1](#): Insert language underlined as follows: “..a person, 18 years or older, is guilty....”

### B. Appropriation of Funds

1. Fund one (1) FTE position to act as Executive Director to the Council and a position to support the Executive Director and the Council. Develop adequate funding to enable the Council to meet its legislative mandate.
2. Support the recommendations of the Public Awareness Committee to educate and enhance public awareness (See Goals, page 16 of this report.)
3. Research and design a Human Trafficking (HT) data system
4. Fund 1 FTE to establish and manage a human trafficking training resource center to support standardized, cross-system training for health and human services and other non-law enforcement personnel as appropriate.
5. Expand the continuum of victim services to include case management services, provide in-state adult and youth residential facilities, and offer HT-specific post-residential services.

### C. Courts and Cabinet Agencies

1. Establish diversion programs in Family Court, Superior Court and the Court of Common Pleas.
2. Incorporate human trafficking awareness training for all court and state agency personnel including all staff having direct client contact.
3. Develop programs to prevent trafficking of women, youth and men (esp. related to labor trafficking) who are at risk for recruitment and exploitation. For example, persons exiting foster care, prison or detention and/or receiving behavioral health services. Programs include awareness education on the nature and risks of being recruited, the tactics of traffickers and services and supports available for those who are trafficked.

D. Law Enforcement

1. Develop and implement a standardized statewide human trafficking training program for law enforcement.

## Appendices

### Appendix A. By-Laws (2018)

#### Human Trafficking Interagency Coordinating Council

##### **By-Laws**

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###### **Article I**

###### **PURPOSE**

It shall be the purpose of the Human Trafficking Interagency Coordinating Council (Council) to proactively further the purposes and goals set forth in 11 *Del. Code* §787. The Council shall adhere to the provisions of the statute as it relates to powers, duties, council composition, meetings, procedure, committees, reporting requirements and other related matters.

###### **Article II**

###### **POWERS AND DUTIES**

The Council shall exercise the powers and perform the duties and responsibilities set forth in the statute establishing the Council.

###### **Article III**

###### **MEETINGS**

- (a) All meetings shall be at the call of the Chairperson or at the request of three members of the Council with no less than seven (7) days' notice required for any meeting, except under extraordinary circumstances. Seven Council members shall constitute a quorum. The Council shall meet at least 4 times a year.
- (b) All motions, except as may hereafter be specifically noted, shall be carried by a simple majority of those members present and entitled to vote. The presiding officer shall vote only in the case of a tie.
- (c) In the absence of a quorum at a regular duly noticed meeting of the Council, the agenda of that meeting shall be delegated to the Executive Committee for disposition.
- (d) Council member appointments must be made or rescinded by letter from the statutory appointing authority to the Chair. A Council member, so designated by appointment, who is unable to attend a meeting may authorize another person to attend and vote on their behalf by proxy. Such designation must be made in writing to the Chair.

# Human Trafficking Interagency Coordinating Council

## By-Laws

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### Article IV

#### COMMITTEES

(a) Committees shall be appointed and dissolved as the Council deems advisable. Ad Hoc Committees may be created without amending these by-laws. Committees which have been appointed are as follows:

1. Training
2. Public Awareness
3. Victim Services
4. Data Collection and Analysis
5. Bylaws
6. Annual Report

(b) An Executive Committee shall be formed whose members shall be the Chairperson, the Vice Chairperson and three Council members elected by the Council. Meetings of the Executive Committee shall be at the call of the Chair or any other member of the committee. Three members of the Executive Committee shall constitute a quorum.

### Article V

#### HUMAN TRAFFICKING STRATEGIC PLAN

(a) The Council shall establish a Human Trafficking Strategic Plan which shall set forth the goals of the Council for coordinating the response to Human Trafficking in order to meet the overriding purpose of reducing the incidence of Human Trafficking in the State of Delaware.

(b) Upon adoption of goals by the Council, committee members and the agency or constituency which they represent shall analyze the issues pertinent to that agency's or constituency's response to Human Trafficking and to victims of Human Trafficking in light of the established goals and the statutory purposes of the Council and shall formulate a focused plan that provides a detailed response for attaining the established goals of the Council, as they relate to that agency or constituency.

(c) Periodically, the Council staff shall review and assess the established goals included in the Human Trafficking Strategic Plan to determine whether those goals have been attained and whether the goals should be continued, revised or eliminated.

# Human Trafficking Interagency Coordinating Council

## By-Laws

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(d) The Council shall submit a written report of its activities and recommendations to the Governor, General Assembly and the Chief Justice of the Supreme Court at least once every year on or before September 15.

### Article VI

#### PARLIAMENTARY AUTHORITY

Except where in conflict with these by-laws or applicable state or federal law, Robert's Rules of Order shall be the parliamentary authority for the Council.

### Article VII

#### AMENDMENTS

These by-laws may be amended in whole or in part, upon the recommendation of the Executive Committee or upon written request of a least five (5) Council members with seven (7) days written notice of the proposed change, at any regular or special meeting of the Council by a vote of a majority of the membership.

Appendix B. Enabling Legislation Amended H.B. 164, H.B. 291, and S.B. 75



SPONSOR: Rep. Keeley & Sen. Henry & Rep. Dukes & Sen. Hocker  
Reps. Baumbach, Bennett, Heffernan, J. Johnson,  
Q. Johnson, Lynn, Mitchell, Osienski, Paradee, Potter,  
Schwartzkopf, B. Short, M. Smith, Viola; Sens. Ennis,  
Hansen, Marshall

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 164  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §787 of Title 11 of the Delaware code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

~~(k) Human Trafficking Coordinating Council.—The General Assembly hereby creates a permanent Human Trafficking Coordinating Council.~~

~~(1) The Council shall consist of the following members or his or her designee:~~

~~a. The President Judge of the Superior Court;~~

~~b. The Chief Judge of the Family Court;~~

~~c. The Chief Judge of the Court of Common Pleas;~~

~~d. The Chief Magistrate of the Justice of the Peace Court;~~

~~e. The Attorney General;~~

~~f. The Chief Defender;~~

~~g. The Secretary of the Department of Safety and Homeland Security;~~

~~h. A representative of the law enforcement community appointed by the Secretary of the Department of Safety and Homeland Security;~~

~~i. The Secretary of the Department of Education;~~

~~j. The Secretary of the Department of Services for Children, Youth and Their Families;~~

~~k. The Secretary of the Department of Health and Social Services;~~

~~l. The Secretary of the Department of Labor;~~



~~m. A representative of the health care community designated by the Board of Medical Licensure and Discipline;~~

~~n. The Commissioner of the Department of Correction; and~~

~~o. Three at-large members representing victims of human trafficking or whose expertise would benefit the council who elected by the Council at the first meeting of each calendar year.~~

(k) The Human Trafficking Coordinating Council is hereby dissolved and reestablished as the Human Trafficking Interagency Coordinating Council to assume the functions of the Human Trafficking Coordinating Council and to administer and implement this chapter, and to perform such other responsibilities as may be entrusted to it by law.

(1) The Human Trafficking Interagency Coordinating Council shall consist of 13 members:

a. Two representatives of the Judicial Branch, as appointed by the Chief Justice;

b. A representative of the Department of Justice to be appointed by the Attorney General;

c. A representative of the Office of Defense Services to be appointed by the Chief Defender;

d. A representative of the law-enforcement community to be appointed by the Speaker of the Delaware House of Representatives;

e. A representative of the health-care community to be appointed by the President Pro Tempore of the Delaware State Senate;

f. A representative of the Department of Health and Social Services to be appointed by the Secretary of the Department of Health and Social Services and shall serve as Chair of the Human Trafficking Interagency Coordinating Council;

g. A representative of the Department of Labor to be appointed by the Secretary of Labor;

h. A representative of the Department of Services for the Children, Youth and Their Families to be appointed by the Secretary of the Department of Services for the Children, Youth and Their Families;

i. Four members who are advocates or persons who work with victims of human trafficking to be appointed by the Governor for a three-year term and shall be eligible for reappointment. Members shall include representation from all three counties of the State.

j. A Chair and Vice Chair shall be elected annually from among the members.

(2) The Council shall:

a. Develop a comprehensive plan to provide victims of human trafficking with services;

b. Effectuate coordination between agencies, departments and the courts with victims of human trafficking;



- c. Collect and evaluate data on human trafficking in this State;
- d. Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention;
- e. Create a public-awareness sign that contains the state and National Human Trafficking Resource Center hotline information;
- f. Coordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators; and
- g. Conduct other appropriate activities.

(3) Meetings; quorum; officers; committees; procedure.

- a. The Council shall meet at least 4 times per year. Seven members shall constitute a quorum.
- b. The Chairperson shall have the duty to convene and preside over meetings of the Council and prepare an agenda for meetings. The Department of Health and Social Services shall provide the administrative support for the Council.
- c. ~~The Attorney General shall convene the initial meeting of the Council. At the initial meeting of the Council a Chairperson and Vice Chairperson shall be elected by the council members. Thereafter, in December of each year, the Council shall elect a Chairperson and Vice Chairperson. The Vice Chairperson's duty shall be to act as chairperson in the absence of the Chairperson. The Vice-Chair's duty shall be to act as Chair in the absence of the Chair.~~
- d. The Council shall establish committees composed of Council members and other knowledgeable individuals, as it deems advisable, to assist in planning, policy, goal and priority recommendations and developing implementation plans to achieve the purposes of the Council.
- e. The Council shall submit a written report of its activities and recommendations to the Governor, General Assembly and the Chief Justice of the Supreme Court at least once every year on or before September 15.

(l) Display of public awareness sign; penalty for failure to display. —

(1) The Delaware Department of Transportation shall display a public-awareness sign required by this section in every transportation station, rest area, and welcome center in the State which is open to the public.

(2) A public awareness sign created under paragraph (k)(2)c. of this section shall be displayed at the following locations designated by the Council in a place that is clearly conspicuous and visible to employees:

- ~~a. An adult entertainment facility;~~
- ~~b. An entity found to be maintaining a criminal nuisance involving prostitution under § 7104 of Title 10;~~

~~c. A job recruitment center;~~

~~d. A hospital; and~~

~~e. An emergency care provider.~~

(3) The Delaware Department of Labor shall impose a fine of \$300 per violation on an employer that knowingly fails to comply with paragraph (k)(2)e. of this section. The fine is the exclusive remedy for failure to comply.

Section 2. The Chair shall convene its first meeting of the Human Trafficking Interagency Coordinating Council within 90 days of the enactment of this Act.



SPONSOR: Rep. Keeley & Rep. Dukes & Sen. Henry & Sen. Hocker  
Reps. Bolden, Briggs King, Outten, Potter, Ramone,  
Wilson, Yearick; Sen. Richardson

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 291

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 787 of Title 11 of the Delaware code by making deletions as shown by strike through  
and 2 insertions as shown by underline as follows:

- 3                   (k) The Human Trafficking Coordinating Council is hereby dissolved and reestablished  
as the Human Trafficking
- 4                   Interagency Coordinating Council to assume the functions of the Human Trafficking  
Coordinating Council and to
- 5                   administer and implement this chapter, and to perform such other responsibilities as  
may be entrusted to it by law.
- 6                   (1) The Human Trafficking Interagency Coordinating Council shall consist of 13  
members:
- 7                   a. Two representatives of the Judicial Branch, as appointed by the Chief Justice;
- 8                   b. A representative of the Department of Justice to be appointed by the Attorney  
General;
- 9                   c. A representative of the Office of Defense Services to be appointed by the Chief  
Defender;
- 10                  d. A representative of the law-enforcement community to be appointed by the  
Speaker of the Delaware 11 House of Representatives;

12 e. A representative of the health-care community to be appointed by the President Pro Tempore of the  
13 Delaware State Senate;

14 f. A representative of the Department of Health and Social Services to be appointed  
by the Secretary of

15 the Department of Health and Social Services and shall serve as Chair of the Human  
Trafficking Interagency

16 Coordinating Council;

17 g. A representative of the Department of Labor to be appointed by the Secretary of  
Labor;

18 h. A representative of the Department of Services for the Children, Youth and Their  
Families to be 19 appointed by the Secretary of the Department of Services for the  
Children, Youth and Their Families;

20 i. Four members who are advocates or persons who work with victims of human  
trafficking to be

21 appointed by the Governor for a 3-year term and shall be eligible for reappointment.

Members shall include 22 representation from all 3 counties of the State.

23                   j. The representative appointed to the Council by the Secretary of the Department of  
                      Health and Social

24                   Services shall serve as the temporary Chair of the Council to guide the initial  
                      organization of the council by setting

25                   a date, time, and place for the initial organizational meeting, and by supervising the  
                      preparation and distribution of

26                   the notice and agenda for the initial organizational meeting of the council. Members  
                      of the Council shall elect a

27                   Chair and a Vice Chair from among the members of the Council at the initial  
                      organizational meeting. Thereafter,

28                   the a Chair and Vice Chair shall be elected annually from among the members.

#### SYNOPSIS

This Act clarifies that the representative appointed by the Secretary of the Department of Health and Social Services to the Human Trafficking Interagency Coordinating Council shall serve as the Council's temporary chair for the purposes of organizing the initial meeting of the members. A permanent Chair and Vice Chair are to be elected at the first organizational meeting and shall be elected annually thereafter from among the members of the Council.



SPONSOR: Sen. Richardson & Rep. Keeley & Rep. Ramone  
Sens. Cloutier, Delcollo, Ennis, Hansen, Hocker, Lavelle,  
Lawson, Simpson; Reps. Briggs King, Collins, Dukes,  
Gray, Hudson, Kowalko, M. Smith, Wilson

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 75

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TRAFFICKING OF AN INDIVIDUAL,  
FORCED LABOR, AND SEXUAL SERVITUDE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 787, Title 11 of the Delaware Code by making deletions as shown by strikethrough and  
2 insertions as shown by underline as follows:

3 § 787. Trafficking an individual, forced labor and sexual servitude; class D felony; class C felony; class B felony;  
4 class A felony.

5 (b) Prohibited activities. —

6 (1) Trafficking an individual. — A person is guilty of trafficking an individual if the person knowingly  
7 recruits, transports, harbors, receives, provides, obtains, isolates, maintains, advertises, patronizes, solicits, or entices  
8 an individual in furtherance of forced labor in violation of paragraph (b)(2) of this section or sexual servitude in  
9 violation of paragraph (b)(3) of this section. Trafficking an individual is a class C felony unless the individual is a  
10 minor, in which case it is a class B felony.

SYNOPSIS

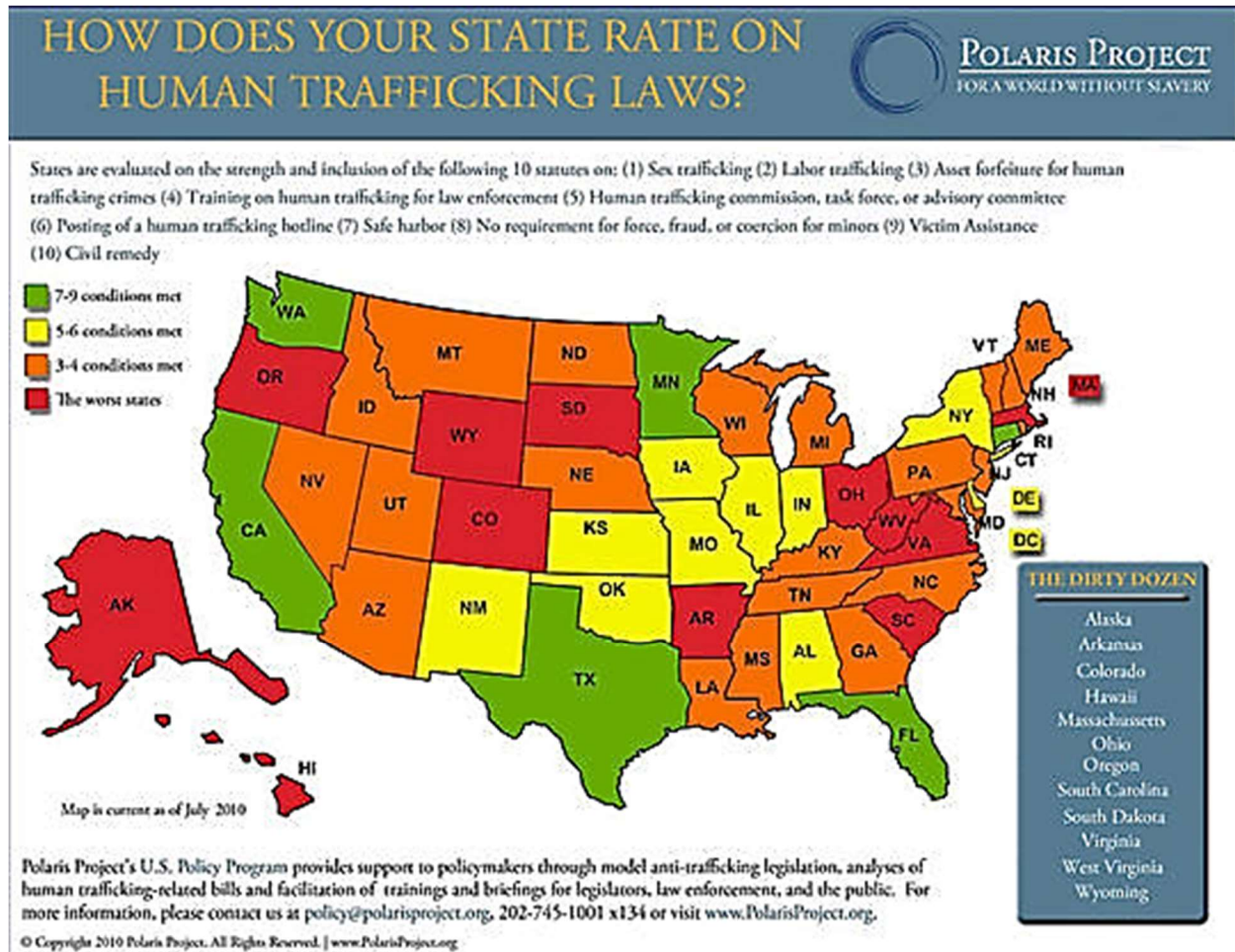
This Act updates Delaware's human trafficking crime to prohibit the same acts that are included in the federal  
Justice for Victims of Trafficking Act of 2015.

Author: Senator Richardson

## Appendix C. National Standings and Report Cards - Polaris & Shared Hope

Source: Herald Courier, January 28, 2017

[https://www.heraldcourier.com/news/report-card-rates-states-on-human-trafficking-issues-tenn-among/article\\_d410d666-bf72-5f0b-a4d9-a92a51f4cdfa.html](https://www.heraldcourier.com/news/report-card-rates-states-on-human-trafficking-issues-tenn-among/article_d410d666-bf72-5f0b-a4d9-a92a51f4cdfa.html)



# DELAWARE REPORT CARD | 2017



Delaware law criminalizes child sex trafficking without requiring proof of force, fraud, or coercion. The trafficking law also applies to buyers who patronize a victim of sexual servitude but requires knowledge of the minor's victim status, limiting its usefulness for combatting demand. Minor victims may access services through diversion.

Final Score

83

Final Grade

B



10  
10

20  
25

15  
15

5  
10

18.5  
27.5

14.5  
15

## Criminalization of Domestic Minor Sex Trafficking

Delaware's human trafficking law includes sex trafficking of minors without requiring proof of force, fraud, or coercion; however, enhanced penalties apply if force or threat was used or if the child was recruited from a shelter. The commercial sexual exploitation of children (CSEC) laws include "sexual exploitation of a child" and promoting prostitution in the first and second degrees. The prostitution laws do not refer to the human trafficking law; however, an affirmative defense to prostitution charges is provided under the human trafficking law, thereby acknowledging the intersection of prostitution with trafficking victimization. Human trafficking and CSEC offenses fall under the definition of racketeering activity in Delaware's organized crime and racketeering law, making it available to prosecute criminal enterprises that engage in child sex trafficking.

## Criminal Provisions for Demand

Delaware's trafficking law applies to buyers who patronize a victim of sexual servitude, a Class C felony punishable by up to 15 years imprisonment. No CSEC laws include the crime of buying sex with a minor. "Patronizing a prostitute" does not distinguish between soliciting an adult versus a minor; in either case, a violation is punishable by up to 30 days imprisonment and fine up to \$575. "Sexual solicitation of a child" may reach the conduct of buyers who seek to purchase sex acts with minors through the Internet, possibly providing penalties in such cases. Delaware law expressly prohibits a mistake of age defense for "patronizing a victim of sexual servitude" under the trafficking law and generally eliminates the defense for certain other offenses where age is an element of the crime. Depending on the offense, financial penalties include asset forfeiture and restitution; a discretionary fine may also be ordered. "Dealing in child pornography," which includes possessing images of child sexual exploitation (ICSE), carries penalties comparable to those for similar federal offenses. Buyers will be required to register as sex offenders if convicted of "patronizing a victim of sexual servitude," "dealing in child pornography," or "possession of child pornography."

## Criminal Provisions for Traffickers

"Trafficking an individual," "sexual servitude" of a minor, "forced labor" involving commercial sexual activity are Class B felonies punishable by up to 25 years imprisonment when the victim is a minor. "Sexual exploitation of a child" is also a Class B felony punishable by up to 25 years imprisonment, while "promoting prostitution in the first degree" is a Class C felony punishable by up to 15 years imprisonment. "Promoting prostitution in the second degree" and "dealing in children" are Class E felonies punishable by up to 5 years imprisonment. Creating and distributing ICSE carries penalties comparable to those for similar federal offenses. "Sexual solicitation of a child" may reach the conduct of traffickers who use the Internet to recruit or sell minors for illegal sex acts, possibly providing additional penalties in such cases. Depending on the offense, financial penalties include asset forfeiture and restitution; a discretionary fine may also be ordered. Traffickers must register as sex offenders if convicted of "trafficking an individual, forced labor and sexual servitude," CSEC, or ICSE offenses. Grounds for termination of parental rights include sex trafficking.



## DELAWARE REPORT CARD | 2017

### Criminal Provisions for Facilitators

The human trafficking law does not include the crime of assisting, enabling, or financially benefitting from sex trafficking, but the law may apply to facilitators who transport or harbor a minor in furtherance of sexual servitude. If convicted, a facilitator faces up to 25 years imprisonment. "Promoting prostitution in the first degree" is punishable by up to 15 years imprisonment, while

"promoting prostitution in the second degree" is punishable by up to 5 years imprisonment. Depending on the offense, financial penalties include asset forfeiture and restitution; a discretionary fine may also be ordered. No laws in Delaware address sex tourism.

### Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims as the sex trafficking law does not protect minors who are exploited by buyers without an identified trafficker. Prostitution laws apply to minors under 18, meaning child sex trafficking victims could face arrest and prosecution for commercial sex acts committed as a result of their victimization. However, child sex trafficking victims may be directed into a specialized diversion process and provided access to specialized services. Although child sex trafficking is included within the definitions of "abuse" and "abused child" based on the definition of "sexual abuse," the investigative authority of child welfare is generally limited to "intrafamilial and institutional" abuse and neglect. Delaware's trafficking law prohibits a defense based on the minor's willingness to engage in the commercial sex act. Sex trafficking victims are expressly eligible to receive state crime victims' compensation but may face barriers to receiving an award based on non-cooperation with law enforcement or if the injury arises from collusion with the perpetrator. Testifying

sex trafficking victims may be provided separate waiting rooms during trial and non-disclosure of identifying information as trial protections. All child victims of sex trafficking and CSEC offenses may testify by means of secured video connection, pursuant to their identity as an abused or neglected child. The "rape shield" law protects victims of human trafficking offenses but not victims of CSEC offenses, leaving some victim-witnesses unprotected from the trauma of cross-examination at trials of their perpetrators. Delaware law allows child sex trafficking victims to vacate delinquency adjudications and expunge related records for prostitution and loitering offenses, but mandates a minimum 2 year waiting period. Victim restitution is mandatory in sex trafficking convictions and specialized civil remedies are available. No statute of limitations applies to prosecutions of human trafficking, sexual exploitation of a child, and promoting prostitution in the first and second degrees and the statute of limitations for civil actions based on human trafficking offenses has been extended.

### Criminal Justice Tools for Investigation and Prosecution

Development of training materials and training for law enforcement on human trafficking or domestic minor sex trafficking is authorized by law but has yet to be effectuated. Single party consent to audiotaping is permitted, and wiretapping is permitted in investigations of suspected human trafficking and racketeering offenses. Neither the trafficking nor CSEC statutes prohibit a defense as to the use of a law enforcement decoy posing as minor

in sex trafficking or CSEC investigations; however, the defense may be prohibited under the non-CSEC offense criminalizing electronic sexual solicitation of a child. The Internet may be used as an investigative tool for investigating "sexual solicitation of a child" and "promoting sexual solicitation of a child." Delaware has established a statewide reporting and response system for missing children and requires the reporting of located children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: [www.sharedhope.org/reportcards](http://www.sharedhope.org/reportcards).

## Appendix D. Recent Media Coverage of Human Trafficking

*Source: Ms. Patty D'Angelo, Zoë Ministries, Inc, July 31, 2018*

<https://dspnewsroom.com/2017/05/22/five-arrested-in-human-trafficking-case/>

<https://www.delawarereview.com/police/smyrna-man-gets-probation-human-trafficking-case/>

<https://dspnewsroom.com/2017/04/08/georgetown-man-arrested-by-troopers-for-human-trafficking/>

<https://www.delawareonline.com/story/news/crime/2016/09/05/wilmington-man-charged-human-trafficking/89884388/>

<http://www.w boc.com/story/35171226/caroline-county-couple-arrested-for-human-trafficking-and-child-abuse>

[http://www.stardem.com/easternshore/times\\_record/spotlight/police-couple-injects-girl-with-drugs-forces-her-to-perform/article\\_c7d39ed4-0036-5b32-b73f-febf8c24fb4a.html](http://www.stardem.com/easternshore/times_record/spotlight/police-couple-injects-girl-with-drugs-forces-her-to-perform/article_c7d39ed4-0036-5b32-b73f-febf8c24fb4a.html)

[https://www.myeasternshorem d.com/times\\_record/spotlight/couple-pleads-guilty-to-human-trafficking/article\\_2d0e079e-4c8a-5b0c-9b6b-04e74854ed4f.html](https://www.myeasternshorem d.com/times_record/spotlight/couple-pleads-guilty-to-human-trafficking/article_2d0e079e-4c8a-5b0c-9b6b-04e74854ed4f.html)

<https://www.delawareonline.com/story/news/crime/2018/03/16/newark-reverse-prostitution-sting-nets-6-arrests-men-seeking-services/431731002/>

<https://www.facebook.com/NewarkDelawarePoliceDepartment/posts/632691063520137>

<https://delawarebusinessnow.com/2018/03/undercover-prostitution-sting-at-newark-hotel-leads-to-6-arrests/>

<https://www.delawareonline.com/story/news/local/2017/04/14/two-dafb-airmen-charged-sexual-abuse-minor/100461914/>

<https://www.delawareonline.com/story/news/2018/01/03/dover-airman-gets-prison-sexually-abusing-15-year-old-girl/1000146001/>

<https://www.delawareonline.com/story/news/2018/03/06/dover-airman-sentenced-10-years-sex-trafficking-teenage-girl/396044002/>

<http://www.w boc.com/story/36576233/airman-pleads-guilty-to-child-sex-trafficking>

<https://www.delawareonline.com/story/news/crime/2018/04/13/dover-man-gets-20-years-sex-trafficking-two-teen-girls/515833002/>

<https://www.delawareonline.com/story/news/crime/2018/07/30/another-dover-airman-pleads-guilty-raping-child/863725002/>

<http://www.w boc.com/story/29556045/salisbury-man-convicted-of-human-trafficking>  
<https://www.delawareonline.com/story/news/local/2014/12/09/charged-massage-parlor-prostitution-raids/20167909/>

<https://www.delawareonline.com/story/news/crime/2016/05/16/delaware-sues-massage-parlors-owner-prostitution-sting/84453314/>

<https://www.delawareonline.com/story/news/crime/2018/04/03/middletown-police-investigating-attempted-child-abduction/481183002/>

<https://www.delawareonline.com/story/news/2018/05/05/human-trafficking-court-merged-other-treatment-courts/570948002/>

<https://www.delawareonline.com/story/news/2018/05/05/despite-good-intentions-delaware-slow-address-human-trafficking/570902002/>

<https://www.politico.com/magazine/story/2018/07/29/first-amendment-limits-backpage-escort-ads-219034?cid=apn>

<https://www.delawareonline.com/story/news/local/2018/04/06/sex-marketplace-backpage-seized-feds/494868002/>

<https://www.politico.com/magazine/story/2018/07/29/first-amendment-limits-backpage-escort-ads-219034?cid=apn>

<https://amp.delawareonline.com/amp/974792002>

<https://www.delawareonline.com/story/news/2018/08/06/citizens-petition-ag-matt-denn-investigate-abuse-delaware-llcs/898036002/>

<https://www.delawareonline.com/story/news/health/2018/08/13/delaware-hospitals-newest-diagnosis-human-trafficking/974792002/>

<https://www.delawareonline.com/story/news/local/2018/08/17/state-ask-court-dissolve-backpage-coms-llc-registration/1019936002/>

[https://www.washingtonpost.com/local/md-politics/hogan-announces-funds-efforts-to-address-human-trafficking/2018/08/09/9492e99e-9bd4-11e8-8d5e-c6c594024954\\_story.html?noredirect=on&utm\\_term=.d2730347d819](https://www.washingtonpost.com/local/md-politics/hogan-announces-funds-efforts-to-address-human-trafficking/2018/08/09/9492e99e-9bd4-11e8-8d5e-c6c594024954_story.html?noredirect=on&utm_term=.d2730347d819)

## Appendix E. Polaris Red Flags – Recognize the Signs

Source: <https://polarisproject.org/human-trafficking/recognize-signs>

Are you or someone you know being trafficked? Is human trafficking happening in your community? Recognizing potential red flags and knowing the indicators of human trafficking is a key step in identifying more victims and helping them find the assistance they need. To request help or report suspected human trafficking, call the **National Human Trafficking Hotline** at 1-888-373-7888. Or text HELP to: BeFree (233733).

### Common Work and Living Conditions: The individual(s) in question

- Is not free to leave or come and go as he/she wishes
- Is under 18 and is providing commercial sex acts
- Is in the commercial sex industry and has a pimp / manager
- Is unpaid, paid very little, or paid only through tips
- Works excessively long and/or unusual hours
- Is not allowed breaks or suffers under unusual restrictions at work
- Owes a large debt and is unable to pay it off
- Was recruited through false promises concerning the nature and conditions of his/her work
- High security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.)

### Poor Mental Health or Abnormal Behavior

- Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- Exhibits unusually fearful or anxious behavior after bringing up law enforcement
- Avoids eye contact

### Poor Physical Health

- Lacks health care
- Appears malnourished
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture

### Lack of Control

- Has few or no personal possessions
- Is not in control of his/her own money, no financial records, or bank account
- Is not in control of his/her own identification documents (ID or passport)
- Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)

### Other

- Claims of just visiting and inability to clarify where he/she is staying/address
- Lack of knowledge of whereabouts and/or do not know what city he/she is in
- Loss of sense of time
- Has numerous inconsistencies in his/her story

This list is not exhaustive and represents only a selection of possible indicators. Also, the red flags in this list may not be present in all trafficking cases and are not cumulative. Learn more at **[www.humantraffickinghotline.org](http://www.humantraffickinghotline.org)**.

## Appendix F. Adverse Childhood Experiences (ACE) Study

The Adverse Childhood Experiences (ACE) Study is a major research project based on an early collaboration between Kaiser Permanente in San Diego and the Centers for Disease and Prevention (CDC.) Co-Principal Investigators Drs. Vincent Felitti of Kaiser Permanente and Robert Anda of the CDC developed a short survey of several key types of childhood adversity, now a widely-used screening tool called the ACE Survey (see below.) They recruited nearly 19,000 patients who completed the survey and participated in a comprehensive annual physical health assessment. The results were startling and have been widely replicated in other settings and with other populations, for example, the Philadelphia ACEs Task Force replicated the ACE Study, adding several items to better reflect the demographics of their population: neighborhood safety and trust, bullying, witnessing violence, racism and experiencing foster care (<http://www.philadelphiaaces.org/philadelphia-ace-survey>). These studies all found that childhood adversity (also referred to as ‘trauma’) is common, has pervasive, lifelong impacts, and is dose-related; more adversity correlates with more negative outcomes. See <https://www.cdc.gov/violenceprevention/acestudy/>

### **Adverse Childhood Experience (ACE) Questionnaire**

#### **Finding your ACE Score** ra hbr 10 24 06

**While you were growing up, during your first 18 years of life:**

1. Did a parent or other adult in the household often ...  
Swear at you, insult you, put you down, or humiliate you?  
or  
Act in a way that made you afraid that you might be physically hurt?  
Yes No If yes enter 1 \_\_\_\_\_
2. Did a parent or other adult in the household often ...  
Push, grab, slap, or throw something at you?  
or  
Ever hit you so hard that you had marks or were injured?  
Yes No If yes enter 1 \_\_\_\_\_
3. Did an adult or person at least 5 years older than you ever...  
Touch or fondle you or have you touch their body in a sexual way?  
or  
Try to or actually have oral, anal, or vaginal sex with you?  
Yes No If yes enter 1 \_\_\_\_\_
4. Did you often feel that ...  
No one in your family loved you or thought you were important or special?

or

Your family didn't look out for each other, feel close to each other, or support each other?

Yes No If yes enter 1 \_\_\_\_\_

5. Did you often feel that ...

You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you?

or

Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?

Yes No If yes enter 1 \_\_\_\_\_

6. Were your parents ever separated or divorced?

Yes No If yes enter 1 \_\_\_\_\_

7. Was your mother or stepmother:

Often pushed, grabbed, slapped, or had something thrown at her?

or

Sometimes or often kicked, bitten, hit with a fist, or hit with something hard?

or

Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?

Yes No If yes enter 1 \_\_\_\_\_

8. Did you live with anyone who was a problem drinker or alcoholic or who used street drugs?

Yes No If yes enter 1 \_\_\_\_\_

9. Was a household member depressed or mentally ill or did a household member attempt suicide?

Yes No If yes enter 1 \_\_\_\_\_

10. Did a household member go to prison?

Yes No If yes enter 1 \_\_\_\_\_

**Now add up your "Yes" answers: \_\_\_\_\_ This is your ACE Score**